



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.06.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.16416 of 2014

J.Elango

...Petitioner

Vs.

1.The Joint Registrar,
Co-operative society,
Villupuram Region,
Villupuram District.

2.The Special Officer,
Villukam Primary Agricultural
Co-operative Bank,
Villukam Post, Thindivanam Taluk,
Villupuram District.

..Respondents

PRAYER : Writ Petition filed Under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus, to call for records on the file of the 1st respondent in Na.Ka.No.1349/2013 Sa.Pa. dated 19.9.2013 and quash the same and further direct the 1st respondent to reinstate the petitioner with full backwages.

For Petitioner : Mr.Selvakumar

For Respondents

R1 : M/s.S.Anitha
Special Government Pleader

R2 : Mr.L.P.Shanmugasundaram

ORDER

The order passed by the 1st respondent under Section 153 of the Tamil Nadu Co-operative Societies Act, 1983 [hereinafter referred to as 'the Act'] in proceedings dated 19.09.2013, confirming the order of the Management of the Co-operative Society regarding the removal of service of the writ petitioner is under challenge in the present writ petition.

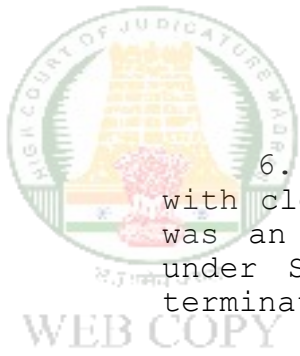


2. The writ petitioner was working as a Salesman in a fair price shop in Villukam Primary Agricultural Co-operative Bank. Departmental disciplinary proceedings were initiated against the writ petitioner for the allegation of unauthorized absence from service with effect from 03.01.1998. The writ petitioner was continuously absent and not reported for duty for years together. The petitioner had not handed over the documents to the Management and therefore, the disciplinary proceedings were initiated against him and the Special Officer of the 2nd respondent / Co-operative Bank issued an order of dismissal from service in proceedings dated 23.04.2003. The petitioner preferred a Revision Petition under Section 153 of the Act on 19.09.2013, after a lapse of about 10 years from the date of passing of the termination order. The said Revision Petition was dismissed. Thus, the present writ petition is filed.

3. The learned counsel for the respondents made a submission that the writ petitioner was dismissed from service even on earlier occasion and the petitioner raised an Industrial Dispute by filing I.D.No.81 of 2007 on the file of the Labour Court, Cuddalore. The said Industrial Dispute was dismissed by the Labour Court, held that the petitioner is not entitled for reinstatement with continuity of service, backwages and other benefits as prayed for. The order of termination became final. Thereafter, the petitioner preferred Revision Petition under Section 153 of the Act, challenging the termination order dated 23.04.2003. The said order itself was passed in the year 2003 and after a lapse of 10 years, he preferred a Revision Petition. The Revision Petition also was dismissed by the first respondent / Joint Registrar.

4. Perusal of the facts and circumstances reveals that the petitioner was a habitual absentee and even on the allegations of unauthorized absence, he was terminated from service in the year 1998 itself. Again, he remained in unauthorized absence and the further order of termination was passed on 23.04.2003 and the petitioner preferred a Revision after a lapse of 10 years under Section 153 of the Act and the said Revision was dismissed by the first respondent in the year 2013. The petitioner has not approached this Court with clean hands as the facts stated are not clear.

5. The relevant documents are also not enclosed with the typed set of papers. However, the fact remains that the order of termination dated 23.04.2003 was taken by way of Revision, after a lapse of 10 years. Further, the Labour Court also confirmed the order of termination and the Industrial Dispute raised by the writ petitioner was rejected on 10.06.2010.



6. This being the factum, the petitioner has not come out with clear facts in the present writ petition and further, there was an enormous delay in approaching the Revisional Authority under Section 153 of the Act with reference to the order of termination dated 23.04.2003.

7. For all these reasons, the writ petition stands dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

kak

To

1.The Joint Registrar,
Co-operative society,
Villupuram Region,
Villupuram District.

2.The Special Officer,
Villukam Primary Agricultural
Co-operative Bank,
Villukam Post, Thindivanam Taluk,
Villupuram District.

+1 cc to Government Pleader Sr.NO. 36919

W.P.No.16416 of 2014

gsm(CO)
A.SK(29/06/2022)